

63 17 DEC 1998

FORM PTO-1390  
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

9725.13-US-WO

09/202634

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5).

To be assigned

INTERNATIONAL APPLICATION NO.

PCT/EP97/03187

INTERNATIONAL FILING DATE

18 June 1997

PRIORITY DATE CLAIMED

25 June 1996

TITLE OF INVENTION

OZONE-INDUCED GENE EXPRESSION IN PLANTS

APPLICANT(S) FOR DO/EO/US

Roland Schubert, Heinrich Sandermann, Dietrich Ernst, Rüdiger Hain, Regina Fischer

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Form PCT/IB308, Affidavit of translation for International application PCT/EP97/03187, translation and Affidavit of translation for the International Preliminary Examination Report for PCT/EP97/03187

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>To be assigned</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP97/03187</b>		ATTORNEY'S DOCKET NUMBER <b>9725.13USWO</b>	
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<b>17. [X] The following fees are submitted:</b> <b>BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):</b> Search Report has been prepared by the EPO or JPO.....\$840.00  International preliminary examination fee paid to U.S. Patent and Trademark Office (37 CFR 1.492(a)(1)).....\$670.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(3)) paid to USPTO .....\$970.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$96.00				<b>CALCULATIONS      PTO USE ONLY</b>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$840.00</b>					
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
<input checked="" type="checkbox"/>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
	Total claims	37                      -20 =	17	X \$18.00	\$306.00
	Independent claims	3                                -3 =	0	X \$78.00	\$0
	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$0
<b>TOTAL OF ABOVE CALCULATIONS =</b>					<b>\$1146.00</b>
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>					<b>\$1146.00</b>
Processing fee of <b>\$130.00</b> for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$	
<b>TOTAL NATIONAL FEE =</b>					<b>\$1146.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$	
<b>TOTAL FEES ENCLOSED =</b>					<b>\$1146.00</b>
					Amount to be:
					refunded \$
					charged \$

a. [X] Check(s) in the amount of \$1146.00 to cover the above fees is enclosed.

b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 13-2725.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:  
 Michael B. Lasky  
 MERCHANT & GOULD  
 3100 Norwest Center  
 90 South Seventh Street  
 Minneapolis, MN 55403

SIGNATURE: \_\_\_\_\_  
 \_\_\_\_\_  
 NAME: Michael B. Lasky  
 \_\_\_\_\_  
 29,555  
 REGISTRATION NUMBER

09/202634

Applicant: Schubert, et al.  
 Docket: 9725.13USWO  
 Title: OZONE-INDUCED GENE EXPRESSION IN PLANTS

## CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL176169684US

Date of Deposit: 17 December 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By:   
 Name: D. McGruder

BOX PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ Utility Patent Application: Spec. 37 pgs; 37 claims; Abstract 1 pgs.  
The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 2 sheets of formal drawings
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ A check in the amount of \$1146.00 to cover the Filing Fee
- ☒ Other: Form PCT/IB308, Transmittal Letter to the United States Designated/Elected Office, Preliminary Amendment, English Translation of PCT/EP97/03187, Affidavit of Translation for International application PCT/EP97/03187, English translation of Pnternational Preliminary Examination Report for PCT/EP97/03187, Translation and Affidavit of translation for the International Preliminary Examination Report for PCT/EP97/03187
- ☒ Return postcard

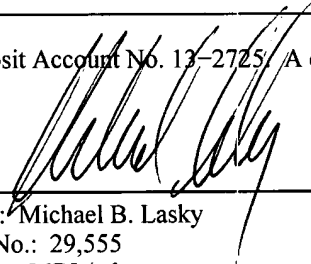
## CLAIMS AS FILED

Number of Claims Filed		In Excess of:		Number Extra		Rate		Fee
<b>Basic Filing Fee</b>								\$840.00
<b>Total Claims</b>								
37	-	20	=	17	x	18.00	=	\$306.00
<b>Independent Claims</b>								
3	-	3	=	0	x	78.00	=	\$0.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								\$1146.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT, GOULD, SMITH, EDELL,  
WELTER & SCHMIDT

3100 Norwest Center, Minneapolis, MN 55402  
 (612) 332-5300

By:   
 Name: Michael B. Lasky  
 Reg. No.: 29,555  
 Initials: MBL/mka

PATENT APPLICATION SERIAL NO. 09/202634

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

12/23/1998 WCLAYBRD 00000015 09202634

01 FC:970	840.00 OP
02 FC:966	306.00 OP

PTO-1556  
(5/87)

\*U.S. GPO: 1998-433-214/80404